



Docket No. 0263-4051

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Yasushi SATO

Serial No.: 09/914,641

Group Art Unit: 1646

Filed: August 30, 2001

Examiner: KEMMERER, Elizabeth

For: LONG-TERM STABILIZED FORMULATIONS

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: **EV170400816US**

Date of Deposit: **January 6, 2003**

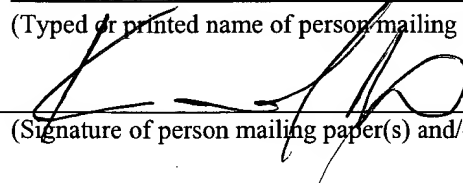
I hereby certify that the following attached paper(s) and/or fee

1. Response And Election;
2. Transmittal Of Response To Restriction/Election Requirement; and
3. Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, DC 20231

Karen J. Axt

(Typed or printed name of person mailing papers(s) and/or fee)

  
(Signature of person mailing paper(s) and/or fee)

**Correspondence Address:**

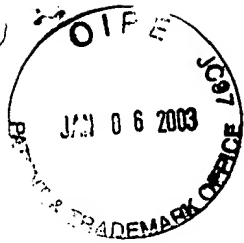
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile

RECEIVED

JAN 09 2003

TECH CENTER 1600/2900

RECEIVED  
JAN - 8 2003  
TC 1100 MAIL ROOM



Docket No. 0263-4051

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**

**JAN 09 2003**

**TECH CENTER 1600/2900**

Applicant(s): Yasushi SATO

Serial No.: 09/914,641

Group Art Unit: 1646

Filed: August 30, 2001

Examiner: KEMMERER, Elizabeth

For: LONG-TERM STABILIZED FORMULATIONS

**TRANSMITTAL OF RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Commissioner For Patents  
Washington, DC 20231

Sir:

Transmitted herewith is/are the following items in response to the Office Action dated December 4, 2002, requiring Election of Species in the above-identified application:

- ☒ Response And Election;
- ☒ Transmittal Of Response To Restriction/Election Requirement (in duplicate);
- ☒ Express Mail Certificate; and
- ☒ Return Receipt Postcard.
- ☐ A check for the required fee of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge the required fee of \$\_\_\_\_\_ to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 0263-4051. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

**RECEIVED**  
**JAN - 8 2003**  
**16100 MAIL ROOM**

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: January 6, 2003

By: Eugene Moroz

Eugene Moroz  
Registration No. 25,237

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile



#6/Har  
02-03-03

Docket No. 0263-4051

RECEIVED

JAN 09 2003

TECH CENTER 1600/290C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Yasushi SATO

Serial No.: 09/914,641

Group Art Unit: 1646

Filed: August 30, 2001

Examiner: KEMMERER, Elizabeth

For: LONG-TERM STABILIZED FORMULATIONS

**RESPONSE AND ELECTION**

Commissioner For Patents  
Washington, DC 20231

Sir:

In response to the Restriction/Election Requirement dated February 19, 2002 for the above-identified application, applicants respectfully submit the following response.

**REMARKS**

The Examiner has identified four species regarding active protein, of which she has required the election for prosecution on the merits, in the event no generic claim is finally held to be allowable:

- 1: The first species (I-A) is G-CSF.
- 2: The second species (I-B) is PTH.
- 3: The third species (I-C) is EPO.
- 4: The fourth species (I-D) is another specific active protein.

The Examiner has further identified twenty species regarding the amino acid in the composition, of which she has required the election for prosecution on the merits, in the event no generic claim is finally held to be allowable:

- 1: The first species (II-A) is methionine.